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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,511

03/27/2006

Christoph Pelchen

ZAHFRI P842US

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DAVIS BUJOLD & Daniels, P.L.L.C.  
112 PLEASANT STREET  
CONCORD, NH 03301

EXAMINER

LE, DAVID D

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,511	<b>Applicant(s)</b> PELCHEN ET AL.	
	<b>Examiner</b> David D. Le	<b>Art Unit</b> 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/27/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is the first Office action on the merits of Application No. 10/573,511, filed 27 March 2006. Claims 14-26 are pending.

### **Documents**

2. The following documents have been received and filed as part of the patent application:
  - Copy of Foreign Priority Document, received on 03/27/06
  - Substitute Specification, received on 03/27/06
  - Information Disclosure Statement, received on 03/27/06

### ***Information Disclosure Statement***

3. The information disclosure statement filed on 27 March 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document. The following listed references have been placed in the application file, but the information referred to therein have not been considered.
  - DE-197 08 968 A1; and
  - DE-103 35 507 A1.

### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the

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abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because it contains legal phraseology "means". Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

6. Claim 25 is objected to because of the following informalities:
- Line 2, "derivable" should be --drivable--.
  - Line 7, "derivable" should be --drivable--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 14-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14:

- Lines 8-9 recite, in part, the limitation "the controllable and the regulatable friction-locking clutches". There is insufficient antecedent basis for this limitation in the claim.

Claim 15:

- Line 2 recites, in part, the limitation "the controllable and the regulatable friction-locking clutches". There is insufficient antecedent basis for this limitation in the claim.

Claim 16:

- Line 2 recites, in part, the limitation "the controllable and the regulatable friction-locking clutches". There is insufficient antecedent basis for this limitation in the claim.

Claim 17:

- Lines 3-4 recite, in part, the limitation "the controllable and the regulatable friction-locking clutches". There is insufficient antecedent basis for this limitation in the claim.

Claim 19:

- Lines 4-10 repeatedly recite, in part, the limitation "the controllable and the regulatable friction-locking clutches". There is insufficient antecedent basis for this limitation in the claim.

Claim 20:

- Lines 8-10 repeatedly recite, in part, the limitation "the controllable and the regulatable friction-locking clutches". There is insufficient antecedent basis for this limitation in the claim.

Claim 21:

- Claim 21 repeatedly recites, in part, the limitation "the controllable and the regulatable friction-locking clutches". There is insufficient antecedent basis for this limitation in the claim.

Claim 22:

- Claim 22 repeatedly recites, in part, the limitation "the controllable and the regulatable friction-locking clutches". There is insufficient antecedent basis for this limitation in the claim.

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Claim 23:

- Lines 8-9 recite, in part, the limitation "the controllable and the regulatable friction-locking clutches". There is insufficient antecedent basis for this limitation in the claim.
- Line 11 recites, in part, the limitation "the two clutches". There is insufficient antecedent basis for this limitation in the claim.

Claim 25:

- Lines 7-8 recite, in part, the limitation "a synchronous clutch". It is unclear whether the claimed "a synchronous clutch" is different from the controllable and regulatable friction-locking clutch, which is first recited on lines 4-5 of claim 23.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 14-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,848,550 to Puiu et al. (hereinafter referred to as Puiu).

Claims 14-26:

Puiu (i.e., Figs. 1-6; column 3, line 9 – column 6, line 57) discloses a power transfer system comprising:

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- At least two drivable motor vehicle axles (i.e., Fig. 1, elements 22 and 24);
- A main transmission (i.e., Fig. 1, element 18);
- A motor (i.e., Fig. 1, element 16);
- First and second friction-locking clutches (i.e., Fig. 5, elements 206 and 210);
- Wherein the first and second friction-locking clutches are controllable and regulatable such that the transmission capacities of the first and second friction-locking clutches are adjustable by way of an actuator system (i.e., Fig. 5, element 202; column 3, lines 49-54);
- Wherein the transmission capacities of the first and second friction-locking clutches can be controlled and regulated by a common actuator (i.e., Fig. 5, element 202);
- Wherein the common actuator (202) is an electric motor having a converter apparatus (i.e., Fig. 5, elements 204 and 208); and
- Wherein the converter apparatus includes two ball-type linear (204 and 208) drives which are operatively connected to one another (i.e., Fig. 5).

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Williams et al. (U. S. Patent No. 6,824,487) teaches a transfer case for four-wheel drive vehicle, as shown in Fig. 2.



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- Vonnegut et al. (U. S. Patent No. 6,779,641) teaches a torque transfer clutch with ball screw actuator, as shown in Fig. 3.
- Iritani (U. S. Patent No. 4,792,009) teaches a four wheel drive vehicle, as shown in Fig. 2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David D. Le/  
Primary Examiner, Art Unit 3681  
03/01/2008

ddl